

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NOS. 2020-264-E and 2020-265-E ORDER NO. 2020-113-H

NOVEMBER 19, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTIONS:

Duke Energy Carolinas, LLC's Establishment of Solar Choice Metering Tariffs Pursuant to S.C. Code Ann. Section 58-40-20 (See Docket No. 2019-170-E)

Duke Energy Progress, LLC's Establishment of Solar Choice Metering Tariffs Pursuant to S.C. Code Ann. Section 58-40-20 (See Docket No. 2019-169-E)

MATTER UNDER CONSIDERATION:

Petition to Intervene of Solar Energy Industries Association in both Dockets

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Solar Energy Industries Association ("SEIA") The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

(a) The facts from which the nature of the petitioner's alleged right or interest can be determined;

(b) The grounds of the proposed intervention;

(c) The position of the petitioner in the proceeding.

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioners in the proceeding must also be concisely and clearly stated; provided it is known. The Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding provided such intervention would not cause unduly delay in the proceedings or prejudice the rights of other parties.

The Petitioner states that it is the national trade association of the U.S. solar energy industry, which now employs more than 260,000 Americans. SEIA represents organizations that promote, manufacture, install and support the development of solar energy. SEIA states in its Petition that it works with its 1,000 member companies to build jobs and diversity, champion the use of cost-competitive solar in America, remove market barriers and educate the public on the development of solar energy.

According to SEIA, its membership includes many national solar companies that own and operate projects in South Carolina who have local employees as well as companies that list a specific operating address in South Carolina. SEIA's members, including its members in South Carolina, are engaged in manufacturing solar photovoltaic equipment, developing solar photovoltaic projects, providing solar energy equipment, services and expertise to retail, commercial and industrial customers. SEIA member companies develop, construct, own, operate, finance, and otherwise service solar generating facilities across the state operating under the current net metering structure in South Carolina. Also according to SEIA, its member companies are planning to develop, construct, own, operate, and otherwise service future solar projects in South Carolina, the success of which will rely on the outcome of these proceedings. SEIA asserts that it actively participates in state utility regulatory commission proceedings, testifies before state legislative bodies, and hosts seminars and events on solar policy issues around the country.

SEIA states that it has extensive experience and unique industry insights regarding the subject matters at issue in these proceedings, and asserts that its participation will contribute to the development of a record upon which the Commission may make determinations consistent with the requirements of the Energy Freedom Act. SEIA further notes that it will substantially and specifically be affected by the result of this proceeding, and that no other party will adequately represent SEIA's interests in these proceedings.

From these facts, this Hearing Officer holds that SEIA has successfully satisfied the three criteria for intervention stated in the Regulation. SEIA's interest in these matters can clearly be discerned, as can the grounds for the intervention. Although SEIA does not specifically state its interest in these matters, the Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding, provided such intervention would not unduly delay the proceedings or prejudice the rights of other parties. In this case, I hold that SEIA's intervention would not unduly delay the proceedings, nor would it prejudice the rights of the other parties.

Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of Solar Energy Industries Association is hereby granted in these Dockets. This ends the Chief Hearing Officer's Directive.